



County of Los Angeles CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA
Chief Executive Officer

April 21, 2008

To: Supervisor Yvonne B. Burke, Chair
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

A handwritten signature in black ink, appearing to read "W. T. Fujioka", is written over the printed name and title.

Board of Supervisors
GLORIA MOLINA
First District

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Fourth District

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Fifth District

SACRAMENTO UPDATE

Pursuit of County Position on Legislation

AB 2695 (Niello), as amended on April 9, 2008, would: 1) provide solid waste local enforcement agencies (LEAs) with the authority to inspect illegal dumping activities; 2) establish an illegal dumping grant and loan program within the California Integrated Waste Management Board (CIWMB); and 3) define the term "illegal dumping" and require the CIWMB to establish a model refuse hauler permitting system for local governments.

AB 2695 defines "illegal dumping" as the disposal of solid waste at a location that is not a permitted solid waste disposal facility or that is not otherwise authorized for the disposal of solid waste and defines "illegal dump" as a location at which illegal dumping has occurred. CIWMB would be required to develop a model ordinance by January 1, 2010 establishing a voluntary permitting program that may be adopted by local governments for refuse hauler service providers, which may include, but is not limited to: permitting requirements for refuse hauler service providers; standards for inspection of hauling vehicles; penalties for noncompliance and other enforcement mechanisms; administrative hearing procedures for appeals of enforcement actions; requirements for hauling vehicles relating to safety, cleanliness and signage; standards for providing receipts of services; and local funding mechanisms.

The bill defines "hauling vehicle" as a motor-propelled or self-propelled vehicle that is used for hauling solid waste over public streets for compensation, regardless of whether or not the vehicle operations extend beyond the boundaries of a county. "Refuse hauler service provider" is defined as a person who, for compensation, accepts or collects and

transports solid waste from a residential, commercial, or industrial location for purposes of transfer or disposal of the waste.

In addition, the bill provides that in a civil action brought pursuant to illegal dumping enforcement activities by CIWMB or a LEA in which a temporary restraining order, preliminary injunction, or permanent injunction is sought, it is not necessary to allege or prove that irreparable damage will occur should the temporary restraining order, preliminary injunction, or permanent injunction not be issued. As such, the order or injunction would be issued without those allegations or proof.

CIWMB administers several grant programs and has conducted training seminars regarding the cleanup of illegal dumped waste materials. This includes: the Farm and Ranch Cleanup Program, which provides grants of up to \$50,000 per cleanup project to local governments, resource conservation districts, and Native American tribes for the clean up of illegal solid waste sites on farm or ranch property; the Solid Waste Disposal and Co-disposal Cleanup (SWDC) Program, which provides grants to local governments to finance cleanup or matching funds to assist in cleanup at landfills; and the Training Program which offers training courses for local officials to share recommendations and learn about available resources for prevention, response, and cleanup of illegal dumping.

Although the CIWMB has funding mechanisms that provide financial assistance once the illegal dumping has already taken place, the CIWMB lacks the authority to provide financial assistance to local jurisdictions for illegal dumping abatement and public education. AB 2695 would give CIWMB the authority to provide funding to local governments to allow them to take a more proactive stance in preventing illegal dumping. The illegal dumping grant and loan program would be expended by CIWMB from the Integrated Waste Management Fund, subject to appropriation by the Legislature. The funding may be provided for, but is not limited to, equipment, abatement, training, public education, and program development. The CIWMB would be required to adopt regulations to implement the illegal dumping grant and loan program before making any of the grants or loans.

The Department of Public Works (DPW) indicates that a 2006 survey of 80 California cities and counties by the CIWMB revealed an annual cost of \$34 million to local governments for cleanup of illegal dump sites. The City of Los Angeles spends over \$4 million annually to cleanup approximately 121,000 tons of illegally dumped solid waste, while the cost to the County is estimated to be more than \$2 million annually. DPW indicates that besides the health risks associated with illegal dumping, it creates a major economic burden on local communities, particularly rural and unincorporated areas. DPW indicates that the existing fines are inadequate to cover the actual cleanup costs incurred for more extensive and expensive cleanup activities, such as hazardous waste removal. DPW states that this bill could help offset costs incurred for cleaning and

maintaining dump sites and provide a means to increase education and public outreach regarding illegal dumping.

DPW and this office recommend support of AB 2695. Support is consistent with existing policy to support legislation that provides or facilitates funding for and/or strengthens the ability of local governments to prevent and remediate illegal dumping of trash and rubbish, including open desert areas and vacant lands adjacent to low income communities. **Therefore, our Sacramento advocates will support AB 2695.**

AB 2695 is sponsored by the California Integrated Waste Management Board and opposed by the California Refuse Removal Council. This measure passed the Assembly Judiciary Committee on April 15, 2008 by a vote of 10 to 0 and is currently in the Assembly Appropriations Committee.

Status of County Advocacy Legislation

County-opposed AB 2262 (Torrico), which would expand the timeframe to safely surrender a newborn from 72 hours to up to seven days, was placed on the Assembly Appropriations Committee's Suspense File on April 16, 2008 due to the potential cost to the State's General Fund.

County-supported AB 2270 (Laird and Feuer), which would: 1) require the State Department of Water Resources (DWR) to update the targets for utilizing recycled water Statewide every five years; 2) reduce the frequency of reporting recycled water use by agencies from quarterly to annually; and 3) authorize any local agency that maintains a community sewer system to take action to control residential salinity introduced into the waste water system, including discharge from water softeners, to protect the water quality of the State, passed the Assembly Water, Parks and Wildlife Committee on April 15, 2008 by a vote of 9 to 4, and now proceeds to the Assembly Appropriations Committee.

County-supported AB 2527 (Berg), which is a technical measure to clarify provisions that govern local public agency participation in the Targeted Case Management and Medi-Cal Administrative Activities billing options, passed the Assembly Health Committee on April 15, 2008 by a vote of 16 to 0, and now proceeds to the Assembly Appropriations Committee.

County-opposed AB 2640 (Huffman), which would make all green waste deposited in a landfill, including that used as Alternative Daily Cover (ADC), subject to the State's waste disposal fee of \$1.40 per ton and require the California Integrated Waste Management Board to develop and implement programs that ensure that the amount of green waste currently deposited in landfills in the State annually is 50 percent or less of the amount of green waste disposed or otherwise deposited in landfills during the 2008

calendar year, passed the Assembly Natural Resources Committee on April 15, 2008 by a vote of 5 to 3, and now proceeds to the Assembly Appropriations Committee.

County-sponsored AB 2829 (Davis), which would require: 1) the printing of a second environmental awareness statement on non-biodegradable plastic carryout bags; 2) the removal of the prohibition on local governments' authority to impose fees for use of plastic carryout bags; and 3) the implementation of a Statewide fee on plastic carryout bags, failed passage in the Assembly Natural Resources Committee (Committee) on April 15, 2008 by a vote of 4 to 3.

Although AB 2829 failed passage, the Committee passed an amended version of AB 2058 (Levine) which also addresses plastic carryout bags. AB 2058 will now be jointly authored by Assembly Members Levine, Brownley and Davis. An agreement between the authors called for the inclusion of the County-sponsored provisions of AB 2829 to be merged into AB 2058.

As a result of actions taken by the Committee, **our Sacramento advocates will temporarily withdraw County-sponsorship of AB 2829 and monitor AB 2058 for the proposed amendments. When AB 2058 is amended to include the County-sponsored language from AB 2829, we will co-sponsor AB 2058.**

County-opposed SB 1060 (Ridley-Thomas), which would terminate the Los Angeles Memorial Coliseum Commission and create a new State-controlled agency to assume control and management of Exposition Park, including the Los Angeles Memorial Coliseum and Sports Arena, passed the Senate Governmental Organization Committee on April 15, 2008 by a vote of 7 to 3, and now proceeds to the Senate Appropriations Committee.

County-opposed SB 1176 (Perata), which would increase the reporting requirements of the State Water Resources Control Board (WRCB), reduce the membership of regional water quality control boards from nine to seven at-large, Governor-appointed members and eliminate members representing county and municipal government, passed the Senate Environmental Quality Committee on April 15, 2008 by a vote of 5 to 2, and now proceeds to the Senate Appropriations Committee.

County-supported SB 1341 (Padilla), which would permit CalWORKs recipients to retain savings and interest earned on savings in a restricted account to secure permanent rental housing or to make a rental payment to overcome temporary homelessness, passed the Senate Appropriations Committee on Monday, April 14, 2008 by a vote of 9 to 7, and now proceeds to the Senate Floor.

Status of County-Interest Legislation on Transportation

AB 2321 (Feuer), as introduced on February 21, 2008, is an urgency measure that would amend the Los Angeles Metropolitan Transportation Authority's (MTA) existing authority to adopt a .5 percent sales tax in Los Angeles County by extending the period in which the tax can be collected from 6½ years to 30 years, subject to a two-thirds approval of local voters. Unlike the original sales tax provisions enacted by SB 314 (Murray) of 2003, AB 2321 would authorize the MTA to incur bonded indebtedness payable from the proceeds of the tax provided for in the bill. The MTA would be required to adopt an expenditure plan prior to submitting the proposed ordinance to the voters for a vote to impose the .5 percent sales tax for 30 years, and to identify expected completion dates for each project.

AB 2321 requires the MTA to include specific projects and programs in its Long Range Transportation Plan (LRTP) and stipulates that specific project amounts identified in the bill are to be the minimum amounts allocated by the MTA to these projects from the sales tax revenue. The specified projects and programs in AB 2321 would be assigned the highest priority in the MTA's LRTP for funding from the tax revenue. In the event that sales tax revenues exceed the amount needed to meet the demands of the expenditure plan, the excess revenues may be used to complete other projects and programs in the LRTP.

The specified projects in the bill are not new projects, and are already included in existing law. However, some of the project titles are being updated to reflect recent changes, including: Crenshaw Metro Rapidway is changed to Crenshaw Transit Corridor; Metro Gold Line (Pasadena to Irwindale) Light Rail Transit Extension is being changed to replace Irwindale with Duarte; Metro Center Connector is changed to Metro Regional Connector; and Metro Red Line Extension is changed to Metro Westside Subway Extension. None of the dollar amounts for each project are changed, and all of the outdated deadlines for specific projects and programs within existing law are being deleted.

AB 2321 is supported by the MTA, California Public Interest Research Group, and Environment California. There is no registered opposition. This measure passed the Assembly Transportation Committee on April 14, 2008 by a vote of 9 to 4, and now proceeds to the Assembly Appropriations Committee.

AB 2558 (Feuer), as introduced on February 22, 2008, would authorize the MTA to impose a climate change mitigation and adaptation fee in the County of Los Angeles, subject to approval of an ordinance by MTA and majority voter approval of a ballot measure containing the fee and an expenditure plan. The bill specifies two options for imposing the fee, which would be either a motor vehicle fuel fee or a per-vehicle registration fee. The motor vehicle fuel fee rate is to be determined by MTA, but it is not

to exceed three percent of the retail sales price of motor vehicle fuel. The vehicle registration fee would vary based on the emissions produced by the vehicle. The MTA would be required to consult with the Department of Motor Vehicles and other appropriate State or federal agencies to determine the amount of the fee for each vehicle, not to exceed \$90.

AB 2558 restricts revenues from the fee to public transit and congestion management projects and programs and limits MTA administrative costs to up to two percent of the fee revenues to implement the programs. The fee revenues would be deposited in the Climate Change Mitigation and Adaptation Fund created by the bill to fund projects and programs consistent with the expenditure plan. The MTA would be authorized to use some revenues for a competitive grant program for the county and cities. Two-thirds of the net revenues must be used for public transit projects and programs and the remainder allocated for congestion management projects and programs. The MTA would be authorized to issue bonds payable from fee revenues.

AB 2558 is supported by several organizations, including: American Lung Association of California; California Public Interest Research Group; California Transit Association; Environment California; Los Angeles Business Council; Los Angeles Metropolitan Transportation Authority; Natural Resources Defense Council; Planning and Conservation League; and Sierra Club California. It is opposed by: Automobile Club of Southern California; California Independent Oil Marketers Association; California Motor Car Dealers Association; Howard Jarvis Taxpayers Association; STOP Hidden Taxes Coalition; and Western States Petroleum Association.

AB 2558 passed the Assembly Transportation Committee on April 14, 2008, as proposed to be amended, by a vote of 8 to 5. The proposed amendments: 1) limit the imposition of the fee to 30 years; 2) require any project listed on the expenditure plan to be able to begin construction no later than December 31, 2018; and 3) require the special election for voter approval of the fee to take place no later than November 6, 2012. This measure is currently in the Assembly Local Government Committee awaiting a hearing date.

SB 1722 (Oropeza), as amended on March 28, 2008, would: 1) establish the Metro Green Line Construction Authority to manage an extension of the Green Line to LAX, including the awarding of contracts for final design and construction contracts necessary for completion of the project; 2) establish a seven-member governing board for the Authority (five of the board members are voting members serving four-year terms, including one member appointed by the Los Angeles County Board of Supervisors; one member appointed by the city council of the City of Los Angeles, one member appointed by the Los Angeles Board of Airport Commissioners, one member appointed by the MTA, and one at-large member) and 3) permit employees of the appointing

authority for the five voting members, as well as elected officials, to be appointed by their respective governing boards.

SB 1722 also would: 1) appoint the Executive Director of the Los Angeles County Metropolitan Transportation Authority (MTA) and the executive director of Los Angeles World Airports as non-voting, ex-officio members; 2) authorize the governing board to appoint an executive director; and 3) authorize the governing board to commence carrying out its duties and responsibilities when the MTA allocates Federal and local funds to the project and the City of Los Angeles agrees to fully fund the cost of preparing an environmental review document.

Furthermore, this bill would: 1) authorize the Authority to acquire property necessary for the project by purchase or eminent domain; 2) authorize the Authority to accept project grants and incur indebtedness, secured by pledges of revenue available for the project's completion; 3) prohibit the Authority from pledging future operating revenues or any obligations that are transferable to the MTA; and 4) authorize the Authority to enter into cooperative or joint development agreements with local governments or private firms for selling or leasing land, air, or development rights at a transit station site.

Finally, SB 1722 would: 1) authorize the MTA to enter into agreements with the Authority to: a) hold property in trust for the Authority; b) acknowledge MTA responsibility as the owner/operator of the system to review design and operating specifications for the project to ensure compatibility with existing facilities operated by the MTA; c) identify all funding sources for the project, the project's financial elements, and the project's approved budget; d) permit the MTA to review changes in the project scope or design, including transportation mode or technology that would affect the project's inoperability with the existing rail transit system; 2) provide the MTA with the responsibility to establish the specifications for vehicles and to procure the vehicles; and 3) provide for the dissolution of the Authority upon the completion of the light rail project and the transfer of the project to the MTA.

The Department of Public Works (DPW) indicates that the Green Line extension to LAX does not affect unincorporated County areas. However, DPW states the extension will be beneficial to many areas including the County's unincorporated communities as it will close an important gap between LAX and the existing Green Line service, thereby encouraging public transit use. DPW also indicates that this project may relieve some of the traffic congestion on the local freeways and adjoining areas.

According to DPW, the previous two construction authorities for the Gold Line and the Exposition Line were established after the funding was identified for the planning, environmental analysis, engineering, design and construction of the projects. The MTA has not designated any funding for the Green Line extension. The MTA draft 2008 Long Range Transportation Plan places this project as a Tier 1 Strategic Unfunded

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Public Transportation Project. DPW indicates this designation identifies the project as a high priority, regionally significant project for which no funding is currently available and is unlikely to be available during the 30-year period of the plan, unless new sources are identified.

SB 1722 is sponsored by Los Angeles City Council Member Bill Rosendahl. There is no registered opposition. This measure passed the Senate Transportation and Housing Committee on April 15, 2008, by a vote of 8 to 3, and now proceeds to the Senate Transportation Committee.

We will continue to keep you advised.

WTF:GK:MAL
DD:IGR:hg

c: All Department Heads
Legislative Strategist
Local 721
Coalition of County Unions
California Contract Cities Association
Independent Cities Association
League of California Cities
City Managers Associations
Buddy Program Participants